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PAH-106

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Kjell Lindskog : Examiner: Lloyd A. Gall
: :
Mark: Method And Arrangement :
Related To A Value Space : Group Art Unit: 3676
: :
Serial No. 10/512,006 :
: :
Filed: April 20, 2005 :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Appeal Briefs, Patents


TRANSMITTAL OF REPLY BRIEF

Enclosed for filing please is Applicant's Reply Brief (in triplicate), in response to the Examiner's Answer mailed on September 8, 2008 in connection with the appeal of the above identified patent application.

Respectfully submitted,

Mark P. Stone
Reg. No. 27,954
Attorney for Applicant
25 Third Street, 4th Floor
Stamford, CT 06905
(203) 329-3355

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

 10/8/08

MARK P. STONE (Date of Deposit)
Reg. No. 27,954



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REPLY BRIEF

This Reply Brief is being filed in response to the Examiner's Answer dated September 8, 2008, in connection with the above identified Appeal.

The Examiner's Answer, starting at the last paragraph of page 4 and continuing through the first paragraph of page 5,

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MARK P. STONE
Reg. No. 27,954

10/18/08
(Date of Deposit)

argues that appealed independent Claims 1 and 6 claim only one storage space. Applicant respectfully disagrees with the Examiner's conclusion. Both independent appealed Claims 1 and 6 recite "a collecting device" comprising "a drum" within "a storage space", the drum being housed, at least in part, within "a collecting vessel". It is clear that the recitation of "a" preceding an element recited in a claim is construed as "one or more" of the recited element. There is absolutely no limitation in either appealed independent Claim 1 or appealed independent Claim 6 that any of the recited elements are limited to only "one", as the Examiner's Answer contends. Therefore, the specific arrangement recited in appealed independent Claims 1 and 6 covers either a single unit formed from a collecting device comprising a drum within a storage space, the drum being housed at least partially within a collecting vessel; or a plurality of such units having a collecting device comprising a drum within a storage space, the drum being housed at least partially within a collecting vessel. There is simply no basis in the language of independent Claims 1 and 6 to limit the claims to only a single claimed element, and in particular, a single storage space, as the Examiner's Answer contends.

Although Applicant understands that claims of a pending application are given their broadest reasonable interpretation, interpreting independent Claims 1 and 6 to be limited to only a single storage space is an unreasonable interpretation of the claims, not supported by either the specification or the original

drawings. On the contrary, the only reasonable interpretation of appealed independent Claims 1 and 6 is that it covers one or more units, each of said units having a storage space, a drum stored within the storage space, the drum itself being housed, at least partially, within a collecting vessel.

Assuming arguendo that the interpretation of independent Claims 1 and 6 made in the Examiner's Answer (i.e., that the claims cover only one storage space) is correct (a proposition with which Applicant strongly disagrees), then the other elements recited in the claim (e.g., the collecting device, the collecting vessel) must also be interpreted as limited to "one" to be consistent with the interpretation of the "storage space" made in the Examiner's Answer. However, the Examiner's Answer concedes that a plurality of drums and collecting vessels are housed within a single storage space, assuming arguendo that element 101 of Lundblad is considered to be a single storage space. Therefore, the arrangement disclosed by Lundblad (a single storage space 101 housing multiple drums and collecting vessels) in accordance with the interpretation of this reference made in the Examiner's Answer, is clearly different in arrangement from the devices employed in the methods defined by appealed independent Claims 1 and 6 (e.g., a single storage space, a single drum, and a single collecting vessel) in accordance with the interpretation of independent Claims 1 and 6 made in the Examiner's Answer. Applicant respectfully submits that Lundblad clearly does not anticipate the methods defined by appealed

independent Claims 1 and 6 and the specific structural arrangement recited in these claims, when all positively recited features of the claims are considered in the patentability determination, and when the disclosure of Lundblad is considered in its entirety.

Starting at page 5, last paragraph, and continuing through page 6, first two paragraphs of the Examiner's Answer, it is contended that Lundblad discloses a destructive agent containers 31/32 in fluid communication with a collecting vessel, each collecting vessel being located below an associated drum. However, this interpretation of Lundblad incorrectly assumes that element 101 is a single storage space containing a plurality of drums. Applicant respectfully disagrees with this interpretation of Lundblad for the reasons discussed herein and throughout the prosecution of this patent application. On the contrary, Applicant submits that appealed independent Claims 1 and 6 are directed to methods employing one or more separate units, each unit including a separate storage space, a separate drum housed within the storage space, and a separate collecting vessel receiving, at least in part, the separate drum. The Lundblad patent discloses a plurality of separate storage spaces housing separate drums, but does not disclose separate collecting vessels associated with each separate drum.

Although page 6, second paragraph, last sentence of the Examiner's Answer states that the appealed claims are silent as

to any "separate elements" language, this conclusion is clearly not supported by the claim language itself. Each of appealed independent Claims 1 and 6 expressly recites "a drum", "a storage space", and "a collecting vessel", which are separate elements employed in connection with practicing the claimed methods.

For the reasons discussed in the present Reply Brief, the previously filed Appeal Brief, and the arguments advanced during the prosecution of this patent application, Applicant submits that independent Claims 1 and 6 are allowable over the prior art applied in the final rejection, and requests that the rejection of these claims be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', written in a cursive style.

Mark P. Stone
Reg. No. 27,954
Attorney for Applicant
25 Third Street, 4th Floor
Stamford, CT 06905
(203) 329-3355